

CHANGE REQUEST COVER SHEET

Change Request Number: 10-18

Date Received: 12/9/2009

Title: Processing ARRA Employment Forms

Name: Larry Wyborski

Phone: 202-493-4638

Policy OR Guidance: Guidance

Section/Text Location Affected: T3.17.C

Summary of Change: Revise Guidance for processing ARRA Employment forms and update requirements.

Reason for Change: Site Specific Reporting no longer required.

Development, Review, and/or Concurrence: Reviewed and concurred with by AJF-25, AJA-A11 and AJA-A1

Target Audience: FAA Contracting Offices and AJF-25

Potential Links within FAST for the Change: None

Briefing Planned: No

ASAG Responsibilities: None

Potential Links within FAST for the Change: None

Links for New/Modified Forms (or) Documents (LINK 1)

Links for New/Modified Forms (or) Documents (LINK 2)

Links for New/Modified Forms (or) Documents (LINK 3)

SECTIONS EDITED:

Procurement Guidance:

T3.17 American Recovery and Reinvestment Act

Section C : Forms [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.17 American Recovery and Reinvestment Act

Implementation of Recovery and Reinvestment Act for Contracts

Section 3 : Solicitation and Award [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.17 American Recovery and Reinvestment Act

Implementation of Recovery and Reinvestment Act for Contracts

Section 4 : Reporting [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

SECTIONS EDITED:

Section C : Forms

Old Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act

Section C : Forms

Based on the notification required by T3.17.A.3.g, a "Monthly Prime and Subcontractor Employment Report" form, will be pre-populated by ATO-F with awardee site specific information from the ATO-F Corporate Work Plan (CWP) tool. The form will then be forwarded to the CO.

COs must follow T3.17.A.4, Reporting, to obtain information from the awardee for the - "Monthly Prime and Subcontractor Employment Report" form (with the pre-populated information provided by ATO-F).

Form (MS Excel file):

Monthly Prime and Subcontractor Employment Report

Instructions for Forms:

Monthly Prime and Subcontractor Employment Report

New Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act

Section C : Forms

[view procurement forms](#)

AJF-25 will send the "Monthly Prime and Subcontractor Employment Report" form directly to the contractor. AJF-25 will copy the CO on the electronic transmission of the Monthly Prime

FAST Version 01/2010

CR 10-18

p. 2

and Subcontractor Employment Report form to the contractor. When the contractor submits the completed form to AJF-25, the contractor will also provide a copy of the completed form to the CO as proof of submission.

Form (MS Excel file):

Monthly Prime and Subcontractor Employment Report

Instructions for Forms:

Monthly Prime and Subcontractor Employment Report

Red Line Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act

Section C : Forms

~~Based on the notification required~~ AJF-25 ~~by will~~ T3.17.A.3.g, ~~send at the~~ "Monthly Prime and Subcontractor Employment Report" form; ~~will be~~ directly to ~~pre-populated~~ the ~~by contractor.~~ ATO AJF-F with 25 ~~awardee site specific information from~~ will copy the CO on the ~~ATO~~ Electronic Corporate Work Plan ~~transmission of the (CWP)~~ Monthly ~~tool.~~ Prime and Subcontractor Employment ~~The~~ Report form ~~will then be forwarded to the CO~~ contractor. COs ~~must follow~~ When the T3.17.A.4, contractor Reporting, submits ~~to obtain information from~~ the completed form to the AJF-25, ~~awardee for the~~ the contractor will also "Monthly provide Prime and Subcontractor Employment a copy of the Report" completed form (~~with~~ to the ~~pre-populated~~ CO information provided by as proof of ATO F) submission.

Form (MS Excel file):

Monthly Prime and Subcontractor Employment Report

Instructions for Forms:

Monthly Prime and Subcontractor Employment Report

Section 3 : Solicitation and Award

Old Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act

Implementation of Recovery and Reinvestment Act for Contracts

Section 3 : Solicitation and Award

a. Competition and Fixed Price Awards. To the extent practicable, Recovery Act awards should be competitive and fixed priced. The CO should properly document the rationale when competition or a fixed priced arrangement is not appropriate for Recovery Act-funded awards.

b. Separate Tracking of Recovery Act Funds. To maximize transparency of Recovery Act funds required for reporting by the contractor, the CO should structure contract awards to allow for separate tracking Recovery Act funds and projects. For example, the CO should consider awarding dedicated separate contracts when using Recovery Act funds or establishing CLIN structures to so that Recovery funds are not co-mingled with other funds.

c. Contractor Reporting Clause. The CO must insert AMS clause 3.17-1 “American Recovery and Reinvestment Act-Reporting Requirements” in all solicitations, contracts, orders, and modifications funded in whole or in part with Recovery Act funds, except classified solicitations, contracts, and orders. FAA-generated forms and instructions must be used in conjunction with this clause. COs must not use Recovery Act funds on new or existing contracts and orders if this clause is not incorporated.

d. Buy American Act for Recovery Construction. Existing FAA Buy American-Steel and Manufactured Products guidance and clause meet the intent of Recovery Act requirements for domestic preference for steel and manufactured products. All solicitations, contracts, orders, and modifications must include the AMS clause 3.6.4-5 “Buy American--Steel and Manufactured Products” and AMS provision 3.6.4-18 “Certification Regarding Steel and Manufactured Products.”

e. Inspector General and Comptroller General Oversight. To allow for oversight on use of Recovery Act funding, all solicitations, contracts, orders, and modifications must include the AMS clause 3.17-2 “Authority of the Inspector General and Comptroller General Relating to Contracts Using American Recovery and Reinvestment Act Funding.”

f. Procurement Milestones. Upon receiving a procurement request (PR) that cites Recovery Act funds, the CO must send notification to the requesting program office to include:

PR Number and date PR was received;

Planned date of SIR issuance; and

Planned date of award.

Program offices will use these milestones to track the obligation of their Recovery Act funded requirements and report on the status of the funds. After the milestones are established, the CO should prepare updates to program offices upon request.

g. Management Notification. The CO must notify senior management, e.g., ATO Vice President or Associate Administrator, through his or her respective management chain, of any award over \$25,000 using recovery funds. Notification should occur before signing the award. The notification will be through email and include a subject line “Information - Recovery Act Contract Award,” and the contractor’s name, brief description of service/supplies, dollar amount, contract type, whether a new award or modification to an existing contract, and period of performance. A courtesy copy of this notification must also be sent to ATO Capital Program Formulation Group (AJF-25) at headquarters (send to: kelly.holliday@faa.gov).

h. *Congressional Notification.* Regardless of dollar value, all awards, including modifications or delivery/task orders, that use recovery funds must follow the procedures for Congressional Affairs notification specified in Procurement Guidance

T13.1.A.4. (*Note:* the T3.13.1 exemption for modifications/orders under previously announced awards does not apply to Recovery Act awards). The notification form, DOT-4220.41, Contract Award Notification, must also include “RECOVERY” in bold on line (1) "Operating Administration."

New Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act

Implementation of Recovery and Reinvestment Act for Contracts

Section 3 : Solicitation and Award

a. *Competition and Fixed Price Awards.* To the extent practicable, Recovery Act awards should be competitive and fixed priced. The CO should properly document the rationale when competition or a fixed priced arrangement is not appropriate for Recovery Act-funded awards.

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c. *Contractor Reporting Clause.* The CO must insert AMS clause 3.17-1 “American Recovery and Reinvestment Act-Reporting Requirements” in all solicitations, contracts, orders, and modifications funded in whole or in part with Recovery Act funds, except classified solicitations, contracts, and orders. FAA-generated forms and instructions must be used in conjunction with this clause. COs must not use Recovery Act funds on new or existing contracts and orders if this clause is not incorporated.

d. *Buy American Act for Recovery Construction.* Existing FAA Buy American-Steel and Manufactured Products guidance and clause meet the intent of Recovery Act requirements for domestic preference for steel and manufactured products. All solicitations, contracts, orders, and modifications must include the AMS clause 3.6.4-5 “Buy American--Steel and Manufactured Products” and AMS provision 3.6.4-18 “Certification Regarding Steel and Manufactured Products.”

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FAST Version 01/2010

CR 10-18

p. 5

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Red Line Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act

Implementation of Recovery and Reinvestment Act for Contracts

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Section 4 : Reporting

Old Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act

Implementation of Recovery and Reinvestment Act for Contracts

Section 4 : Reporting

a. *Contractor Reporting on Use of Funds.*

(1) Contractors that receive any awards (including modifications) funded by the Recovery Act must report information including, but not limited to, the dollar amount of contractor invoices, the supplies delivered and services performed and the amount for which the contractor has invoiced, an assessment of the completion status of the work, an estimate of jobs created and retained as a result of the Recovery Act funded award, names and total compensation of each of the five most highly compensated officers for the calendar year in which the contract is awarded, and specific information on first-tier subcontractors.

(2) At the time of award, the CO must provide FAA Recovery Act reporting forms and instructions to the contractor. Contractors must report data using the following FAA form:

Monthly Prime and Subcontractor Employment Report

This form must be submitted electronically (in MS Excel format) to an FAA mail box for Recovery Act reporting:

9-AJF-CWP-StimulusTracking@faa.gov

ATO Capital Program Formulation Group (AJF-25) will compile all monthly contractor job related information into a report for the Secretary of Transportation.

b. *Failure to Report.* The CO must make the contractor's failure to comply with the reporting requirements a part of the contractor's past performance information. As with other contract deliverables, the CO may use remedies such as withholding payment or seeking other consideration for a contractor's failure to deliver contractually specified reports within required timeframes.

c. *Purchase Cards.* A special area in the comments field in U.S. Bank's online system has been established for Recovery Act-funded transactions. Purchase card holders must include an adequate description of the supplies/services purchased and the F&E JCN under which the purchase was made in the comments field.

New Content: Procurement Guidance:

T3.17 American Recovery and Reinvestment Act

Implementation of Recovery and Reinvestment Act for Contracts

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